

Honolulu, Hawaii

APR 08 2015

RE: H.B. No. 1272
H.D. 2
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1272, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require every motion picture theater operator in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is offered for viewing;
- (2) Require motion picture theater operators in the State to provide audio description upon request of any motion picture that is produced and offered with audio description; and
- (3) Allow a motion picture theater operator to show a motion picture that is produced and distributed without captioning and audio description if the motion picture theater operation provides notice to the public accordingly.

Your Committee received testimony in support of this measure from the Department of Human Services, State Council on Developmental Disabilities, Disability and Communication Access Board, Hawaii Civil Rights Commission, Aloha State Association of



the Deaf, Gallaudet University Alumni Association - Hawaii Chapter, Hawaii Deaf Surfriders Association, twenty individuals, and a petition with sixty-three signatures. Your Committee received testimony in opposition to this measure from the Motion Picture Association of America, Inc.

Your Committee finds that individuals who are deaf, hard of hearing, or blind or have poor vision often encounter communication barriers at movie theaters. According to testimony received by your Committee, movie theaters may make captioning available via the use of various assistive devices; however, these devices are uncomfortable and often hard to use. Further, some movie theaters unilaterally select and provide only one form of access for persons with disabilities, and that form of access is not always conducive to a comfortable and enjoyable movie theater experience.

Your Committee further finds that the discriminatory effects of these communication barriers are contrary to the full inclusion of persons with disabilities contemplated by the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended. This measure proposes to remove these communication barriers and provide equal access to persons who are deaf, hard of hearing, or blind or have poor vision by requiring motion picture theaters with operations at more than two facilities in the State to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Hawaii Civil Rights Commission that:
 - (A) Broadens the requirements of open movie captioning and audio description to a public accommodation that owns, leases, leases to, or operates a motion picture theater rather than a motion picture theater operator; and
 - (B) Specifies that showings with open movie captioning and audio description apply to motion pictures that are produced and offered with those features;

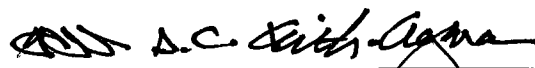
- (2) Inserting a sunset date of January 1, 2018; and



- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1272, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1272, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

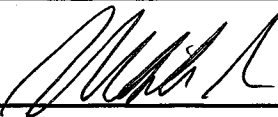


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB1272 HD2 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">CPN, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/31/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam			✓	
TOTAL	5	0	1	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: right; font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes